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FILED
JUN 22 1944
CHARLES ELMORE CROPLEY
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1944

No. 184

J. F. TAYLOR, J. WINSTON KELSEY AND J. M. ANDREWS, AS TRUSTEES OF THE LAKE PLACID METHODIST CHURCH,
Appellants,

vs.

MARY EMMA PAYNE, AS ADMINISTRATRIX DE BONIS NON-CUM TESTAMENTO ANNEXO,
Appellee.

MOTION TO DISMISS THE PETITION FOR APPEAL TO THE SUPREME COURT OF THE UNITED STATES.

The Appellee, Mary Emma Payne, as Administratrix De Bonis Non-Cum Testamento Annexo, of the Estate of P. T. Richards, moves the Court to dismiss the Petition for Appeal to the Supreme Court of the United States upon the following grounds:

First, the United States Supreme Court does not have jurisdiction to construe and interpret a Will.

Second, the questions raised are ones of local law over which the decision of the Supreme Court of the State of Florida is controlling.

Third, it affirmatively appears from the record that no federal question is involved.

Fourth, that the validity, operation, and effect of a Will executed by a Florida resident is determined by the laws of the State of Florida.

s/ J. THOMAS GURNEY,
JOE D. KINSEY,
HOWARD G. LIVINGSTON,
As Attorneys for the Appellee.

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